

PATENT

Case SO 3221/00//US

#13B  
OK  
5/21/03



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

Phippard et al.

GROUP ART UNIT: 1632

SERIAL NUMBER: 09/765,231

EXAMINER: L. Chen

FILED: January 17, 2001

DATE: April 22, 2003

RECEIVED  
APR 30 2003  
TECH CENTER 1600/2900

TITLE: OSTEOARTHRITIS TISSUE-DERIVED NUCLEIC ACIDS, POLYPEPTIDES, VECTORS, AND CELLS

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner of Patents and Trademarks, Washington D.C. 20231  
on April 22, 2003  
Rachel A. Polster

Rachel A. Polster Date: April 22, 2003

**AMENDMENT AND REPLY UNDER 37 C.F.R. § 1.111**

**I. INTRODUCTORY COMMENTS**

Commissioner of Patents and Trademarks

Washington, D. C. 20231

Sir:

This is in response to the Office Action dated October 22, 2002, the Shortened Statutory Period for Response for which is set to expire on January 22, 2003. A three-month extension of time to April 22, 2003 is requested. Please charge any appropriate fees to Deposit Account No. 19-1025.

It is requested that the requirements under 37 CFR 1.121 be waived according to the Notice of February 25, 2003 (Official Gazette of the USPTO, Vol. 1267 Number 4) titled "Amendments in a Revised Format Now Permitted."



CERTIFICATE OF MAILING BY FIRST-CLASS MAIL (37 CFR 1.8)

Serial No: 09/765,231  
Filing Date: January 18, 2001  
Group Art Unit: 1632  
Docket No: 3221/00/US  
Invention: Osteoarthritis Tissue-Derived Nucleic Acids, Polypeptides,  
Vectors, and Cells

Date of Deposit: April 22, 2003

I hereby certify that these papers or fee is being deposited with the United States Post Office to Addressee service under 37 CFR 1.10 & 1.8 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

Fee Transmittal  
Petition for Extension of Time  
Joint Declaration for Patent Application  
Amendment  
Return Postcard

Rachel A. Polster  
(Typed or printed name of person mailing paper or fee)

*Rachel A. Polster*  
(Signature of person mailing paper or fee)



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PTO/SB/17 (11-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

\$930.00

## Complete if Known

Application Number 09/765,231

Filing Date January 18, 2001

First Named Inventor Phippard

Examiner Name L. Chen

Group Art Unit 1632

Attorney Docket No. 3221/00/US

RECEIVED

APR 30 2003

TECH CENTER 1600/2900

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number

19-1025

Deposit  
Account  
Name

Pharmacia Corporation

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
Independent		-20** =	0	X		0.00
Multiple Dependent		-3** =	0	X		0.00

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					\$0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non - English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	930.00
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR § 1.17(q)	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

\$930.00

## SUBMITTED BY

Name (Print/Type)

Rachel A. Polster

Registration No.  
(Attorney/Agent)

47,004

## Complete (if applicable)

Telephone

314-274-7354

Signature

Rachel A. Polster

Date

April 22, 2003

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.